

Thursday; that he had declined the clerical force was full, but if there was need to increase it the Democratic recommendations would be accepted. The Democratic Board had not determined to appoint Dr. H. Kennedy.

Mr. McGilton read a motion for an amendment of the rules.

Gore Wells said the rules would not be changed. He read, also, a petition in behalf of citizens seeking representation; also an application of a Democratic candidate for representation among the clerks who tabulate the returns. The applications were refused.

Judge Spafford said the day for taking up the contest in EAST BAYTON ROAD would be fixed.

Gore Wells said he would fix Monday.

It was further stated that St. Martin's would be considered to-day and Ouachita opened thereafter.

An application of Judge Spafford, the Board directed an officer to go in search of the rest of the returns from Morehouse.

There was no further business in session, the

THE CANVASS.

Returns from three contested precincts, East Baton Rouge, St. Charles and Iberia were taken up. East Baton Rouge has eighteen polling-places, but the returns when opened were found to contain no irregularities or misstatements at each polling-place within twenty-four hours after the close of the polls to make certain the votes cast to the Supervisor of Registration are correct. At other places within four hours after the receipt of the returns from the polling-places, is required to consolidate such returns as may be received from the various District Courts, and forward the consolidated returns, with the originals received by him, to the State Board of Supervisors. Statements of violence or intimidation at any poll, when alleged, are required to be attached to and forwarded with the consolidated returns. The returns from the parish of Orleans come from New Orleans. Returns from that parish

WERE NOT SENT BY MAIL. Board told me they were sent by express.

No. 23. Many of the affidavits charging intimidation were sworn to in New Orleans, some as late as Nov. 20.

The total vote of the parish, according to

from the returns of the Commissioners at the polling-places, was 2,358, for Tilden, and 1,427, for Hayes. The returns of the election, by consolidating the returns from only seven polling-places, leaving out the others, and by substituting in the original returns from the same, the returns of only 1,427 votes for Tilden, and 1,427 for Hayes.

MORE AFFIDAVITS.

Affidavits had been taken that the Supervisor in this parish, and in every other parish in the State, is a Republican; that returns from the Democratic party are still missing; that several of the missing returns are in the hands of the City of New Orleans for days, in the hands of persons who were not Supervisors.

On the 10th inst. the Hon. Mr. Rogers was opened, it was not known to the Democrats what affidavits accompanied it, or the returns of the election. The affidavits were rejected. The Democrats commit blunders of this kind. The Board of Supervisors in regard to this parish.

After much discussion, the returns of East Baton Rouge were rejected.

The only parish finally tied to was St. Mary.

[illegible]

the privilege of being present in the room or rooms or where said tabulation is proceeding, and inspecting the tabulation and comparing the same with the returns, and also or fully inspecting the returns and the tabulation by this Board of said tabulation, with a view to satisfy all parties that there has been no tampering or unfair practice in connection with the returns.

The Board adjourned until 11 o'clock to-morrow.

FLORIDA.
HAYES' MAJORITY 768.
Special Dispatch to The Tribune.
WASHINGTON, D. C., Nov. 24.—It is said that the dispatch from Florida of last night, which states that the returns show a majority of 768 for Hayes, is correct, and that the disturbance came to this city in cipher, but for some reason the National Republican Committee has not cared to acknowledge the receipt of it or to have the fact published.

THE PENDING CASE.

TALLAHASSEE, Nov. 24.—The arguments in the injunction and mandamus cases were continued to-day before Judge White. Mr. Sellers and Judge Beddle, of Philadelphia, in speech, and Mr. Brown, of Georgia, in written argument, appeared for the Democrats, and Gen. Barlow for the Republicans. The case of the United States Court adjourned without rendering a decision. It will possibly decide to-night, certainly to-morrow.

There is no change in the situation. There are three counties yet to hear from, and it will be Monday before all the returns are in, possibly later. The result from the face of the returns will be very close. It is probable that the cases now pending should go to the Supreme Court, that the canvass will begin Monday or Tuesday. If an appeal is made before Thursday the canvass will probably run up to the 5th of December, no matter when it is opened.

WASHINGTON, Nov. 24.—Information received here today from Tallahassee leaves no doubt that Florida has gone Republican by several thousands of votes. The Democrats are still holding back returns from one Democratic county for the purpose, it is believed, of changing time, so as to increase the "filibuster" vote to overcome the Republican majority in the rest of the state. The Republicans, however, know exactly how many votes they need, and are not likely to make any attempt to change the returns. Florida is unquestionably Republican, and the news is from a source that can be confidently relied upon.

During the forenoon said a conversation with the Hon. J. H. Smith, of the House of Representatives. He was in the city on his way to the West, was so intense in regard to the election that he desired to come East and learn the condition of public opinion here. He denied that there had been any previous arrangement for a political conference, and both he and Abram S. Hewitt said that his trip has no special political character. Mr. Smith then called on Mr. Hendricks and Mr. Everett at Mr. Hewitt's house with Mr. Curtis, of Pennsylvania, and Senator Randolph, of New Jersey. After dinner Hon. Charles Tilden, Hewitt, Randolph, Grosvonts, Mr. Everett, and Barnum, of Connecticut, were at the Everett House talking over the political situation. Mr. Smith was very frank and candidly conversed together as to the prospects, Hendricks and others expressed some apprehension as to the purpose of the Louisiana Returning Board, and said that the idea of Gov.

nars canvassing the vote in Florida was ab-
 and preposterous.

THE LETTER.
To the Western Association Press.
 NEW YORK, NOV. 24.—The Hon. Abram S.
 Hewitt has written the following letter to Gen-
 eral Hampton:

NATIONAL DEMOCRATIC COMMITTEE, NEW YORK,
 Nov. 24, 1878.—MY DEAR SIR: Your admirable
 address to the people of South Carolina is the sub-
 ject of universal commendation here. In fact,
 of gratitude, forbearance, and self-control of

The Tribune.

TERMS OF SUBSCRIPTION.

PAYABLE IN ADVANCE—POSTAGE PREPAID AT THIS OFFICE.

Daily Edition, postpaid, 1 year, \$12.00
 Part of a year, postpaid, 6 months, \$7.00
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 Part of a year, postpaid, 6 months, \$2.50
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 One copy, per week, 25 cents
 One copy, per day, 10 cents

Advertisements, by the line, 10 cents per line per week, 25 cents per line per month, 50 cents per line per quarter, 75 cents per line per half year, 1.00 per line per year.

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AMUSEMENTS.

McVicker's Theatre.
 Madison street, between Dearborn and State.
 "The Great Divorce Case" by the Company.

Adelphi Theatre.
 Monroe street, corner Dearborn.
 "The Great Divorce Case" by the Company.

Harvey's Theatre.
 Randolph street, between Clark and LaSalle.
 "The Great Divorce Case" by the Company.

Wood's Museum.
 Monroe street, between State and Dearborn.
 "The Great Divorce Case" by the Company.

SOCIETY MEETINGS.

BLANEY LODGE, NO. 27, A. F. & A. M.
 Tenth street, between Madison and Dearborn.
 "The Great Divorce Case" by the Company.

EDWARD COOK, W. M.

SATURDAY, NOVEMBER 25, 1876.

Greenbacks at the New York Exchange yesterday closed at 91.

ALEXANDER H. STEPHENS has sufficiently regained his health to make the journey from his home to Washington, where he intends remaining throughout the approaching session of Congress. His eminent ability and his influence in behalf of moderation and conservatism will be needed in the House this winter.

Gov. KELLOGG's statement of the complexion (political) of the next Legislature of Louisiana gives the Republicans sixty-one and the Democrats sixty members of the House, without contests, and twelve seats in dispute; while the Senate stands eighteen to fifteen in favor of the Republicans, with three contests to be decided.

PETER DREWDER WOODWORTH is the name of the Democratic candidate for Congress in the Fourth California District who failed to re-election by one vote, and RONALDO PACHECO, ex-Lieutenant-Governor of the State, is his successor. P. D. W. has been chiefly conspicuous from the frequency with which his name has not appeared in the year and days, and it is confidently expected that Gov. PACHECO will distinguish himself in a different fashion.

The Supreme Court of South Carolina evidently means business. At 4 o'clock yesterday afternoon the members of the Canvassing Board and their counsel, United States District-Attorney CORBIN, were cited to show cause why they should not be committed for contempt in refusing to obey the mandate of the Court. An effort to gain time was unsuccessful, and the Court refused its application except upon a pledge of obedience to its authority, which the relators declined to give. The case was postponed until to-day, to admit of the necessary legal formalities, and, from the declarations of Associate-Justice WILLARD, the understanding was definite and unmistakable that continued persistence in the disregard of the judicial order will result in the commitment to jail of all the parties in contempt.

It is astonishing to note that a Louisville Court has decided that gambling can be punished in that city. Naturally, the black-leg fraternity are excited and indignant at this encroachment upon the rights that they had come to look upon as securely vested, and they have no intention of tamely submitting to the decision that the keeper of a faro-game can be compelled both to pay a fine and endure six months' imprisonment. The case is to be taken to the Court of Appeals, and the gamblers of New York, Chicago, and other cities are to "chip in" \$10,000 toward paying the expenses of the test litigation. There is an almost forgotten law of Illinois on the same subject, and it is to be hoped that the card-sharps will be afforded an early opportunity under the incoming State's Attorney to make up numerous test cases. If it is the imprisonment that hurts, that's the screw to turn.

The Chicago Times has been clutching desperately at a straw to save TILDEN from drowning. Some idle person started the story that the name of one of the Republican Electors—Mr. CASTLES—had been spelled without an "n" in the southern counties of the State, and with an "n" in the northern counties; that there was a man in Egypt who spelled his name JAMES J. CASTLES, and consequently there was a divided Republican vote on the name of CASTLES, which would let in one of the "Reformers," whose vote would elect SAM TILDEN President. It was the old fable of the milkmaid who let fall from her head the bucket of milk, with which she intended to buy the eggs, raise the poultry, purchase the beautiful dress that would captivate the rich, rich young man, and induce him to marry her. A cold, cut, six-line dispatch spoils forever the numerous long and powerful articles in the various Times and its gain of a TILDEN Elector in Illinois, viz: RYANVILLE, Nov. 24.—There has been some talk in the papers about a mistake in the name of JOSEPH J. CASTLES, Republican Elector for the Nineteenth District. No mistake has been made. The official returns from 101 counties all have the name printed correctly.

So TILDEN will not ride into the White House on that straw.

The Chicago produce markets were irregular yesterday. Mass pork closed steady, at \$15.90 seller the year and \$16.12 for January. Lard closed 3 1/2c per 100 lbs lower, at \$9.80 for the year and \$9.82 for 9.85 for January. Meats were shade firmer, at 6 1/2c for new shoulders, boxed, 8 1/2c for do short-ribs, and 8 1/2c for do short-cuts. Highwines were steady, at \$1.06 per gallon. Flour was in light demand and firm. Wheat closed 1/2c lower, at \$1.12 for December and \$1.14 for January. Corn closed 1/4c lower, at 44c for November and 43 1/2c for December. Rye was firm, at 60 1/2c for December. Barley closed 2 1/2c lower, at 67c for December and 68c for January. Hogs were active,

and averaged 10c higher than Thursday, closing steady at \$5.65 to \$5.90 for packing grades. Cattle were active and firmer, with sales at \$2.25 to \$2.50. Sheep were quiet, at \$2.75 to \$3.00. One hundred dollars in gold would buy \$109.50 in greenbacks at the close.

The delay in canvassing the vote of Cook County has prevented the earlier report of the exact result of the late election in this State. The following appear to be the figures:

Hays, Rep., 277,147
 Tilden, Dem., 258,609

Hays' majority, 18,545

Cullum, Rep., Governor elect, 270,398
 Stewart, Dem., and Granger vote, 272,432

Cullum's majority, 6,834

Shuman, Rep., Lieut.-Gov., 282,168
 Glenn, Dem., Lieut.-Gov., 255,083

Shuman's majority, 26,885

Pickrell, Ind., 17,789

Total vote of State on President, 576,886

The Republican majority on the remainder of the State ticket is, except for Auditor, just about 26,000. A good many Republicans who were captivated by TILDEN's assertion that he was a great Reformer voted for him for a change, which accounts for the smallness of HAYS' majority. The Grangers and Democrats clubbed teams on Governor and Auditor, but still were beaten by 7,000 votes.

Among the subjects considered yesterday by the Louisiana Returning Board was the case of one of the election districts in Natchitoches Parish, in which but three Electors were voted for on either ticket. This was the result of a blunder on the part of the Commissioners of Election and the United States Supervisor, who testified that, under a misapprehension of the law, they themselves had erased from the ballots, after they had been voted, the names of all but three Electors on each ticket, retaining only the names of the two Electors-at-Large and the Elector for that Congressional District. The mere fact that this particular voting precinct gave a majority for the HAYS Electoral ticket was sufficient to draw from Col. ZACHARY, leading counsel for the Democratic candidates, a protest against any action looking to the correction of the erroneous return, but the Board very justly decided that if the ballots were produced for inspection the question of correction would be considered. This attempt to disfranchise a large number of voters of both parties merely because the election officers erred in the performance of their duties, is what the Democrats call having a fair and honest count. If the same mistake had occurred in a strong Democratic district, what a howling would be set up for a count of all the votes!

THE PRECEDENTS FOR COUNTING THE PRESIDENTIAL VOTE.

While it is possible that the issue of the Presidential election may be made to turn upon the final count of the Electoral votes as they are certified to Washington, and since Mr. CLARKSON N. POTTER's assumption that the count or refusal to count rests with the present Democratic House of Representatives, it is pertinent to recall the practice that has heretofore obtained. The direction given by the Constitution is that "The President of the Senate shall, in the presence of the Senate and House of Representatives, open the certificates, and the votes shall then be counted." Previously to the year 1865, when the Twenty-second Joint Rule was adopted permitting either House to object to the count of a State, the constitutional direction was construed literally and followed accordingly. The constitutionality of the joint rule was never tested, because the urgency never arose in which the count of any State objected to would affect the result. But this joint rule has not been adopted by the present Congress, and, of course, will not be adopted now, and the votes shall be counted by the House and the Senate, must fall back upon the constitutional direction; and the fairest construction that can be placed upon that is the one that is in keeping with the precedents. All the precedents are in favor of its literal interpretation, and the count of the votes and the announcement of the result by the President of the Senate.

The first United States Senate organized under the present Constitution elected JOHN LAMARON President of the Senate, and thereupon passed the following resolution:

"Resolved, That the Senate do inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the purpose of opening the certificates and counting the votes of the Electors of the several States in the choice of President and Vice-President of the United States; and that the Senate is now ready, in the Senate Chamber, to proceed in the presence of the House of Representatives, to the counting of the votes of the Electors of the several States as they shall be delivered, submitting to the wisdom of the House to appoint one or more of its members for a *tabular* purpose."

Thus, from the very start, the opening of the certificates and the counting of the votes was committed to the President of the Senate. The House of Representatives immediately acquiesced, and Mr. MADISON was instructed to say to the Senate that the notification of the election of President and Vice-President should be made "by such persons and in the absence of such an agreement, the House of Representatives will not be authorized to take any action on the subject of the election of President and Vice-President, until the House of Representatives shall be satisfied that the result shall be delivered to the President of the Senate, who shall announce the result of the vote and the persons elected President and Vice-President, and together with a list of the votes, be entered on the journals of the two Houses."

At the next count, JOHN ADAMS, still Vice-President, opened the certificates, made the count, and announced his own election as President. In the fourth count occurred the first contest between JEFFERSON and BUREAU, and, though the votes for the two were a tie, and JEFFERSON himself was Vice-President, no effort was made to interfere with JEFFERSON's right and duty to count the vote. The same practice was followed in the counts of 1805, 1809, and 1813. In 1817, when MONROE was elected, Mr. TARTON, a member of the House from New York, endeavored to object to counting the vote of Indiana, on the ground that it was not a State of the Union at the time it voted; but Mr. TARTON was ruled out of order, and the House, by an almost unanimous vote, in its separate consideration of the matter, sustained the ruling. In 1821 there was some question as to whether the vote of Missouri should be counted, and in 1827 a similar question as to counting the vote of Michigan; in both cases the doubt arose as to the technical ad-

mission of the State into the Union, but in neither did the count or the omission to count affect the result. A joint rule was adopted in both cases previous to the election of the President of the Senate to count the result as so many votes in case the State were counted, and so many in case it were not counted; but there was no disposition to deprive the President of the Senate of his constitutional function. The same practice was followed at the subsequent Electoral counts until the joint rule of 1865 was adopted, the constitutionality of which was never tested, but was always in doubt. The abandonment of that rule by the present Congress naturally revives the previous practice under the constitutional direction.

There are many instances which indicate that it was the intention of the framers of the Constitution, as it was amended by each State, and the direction as to the manner of its appointment is given to the State Legislatures. Nothing was more clear to him than that the whole was right to the State Legislatures, they would make provision for all questions arising on the occasion.

Later on, Mr. PICKNEY also said that "to give Congress even when assembled in Convention, a right to reject or admit the Electoral votes of States, would have been so gross and dangerous an absurdity as the framers of the Constitution never would have been guilty of." This was said in 1800, but the remark is not less strikingly true now than it was then; besides, it has the additional weight of having been made by one of the framers of the Constitution whereof he spoke. In keeping with this construction, all motions, objections, and debate have always been ruled out of order. In 1849, when GEORGE M. DALLAS was Vice-President, he opened the joint session of the two Houses, and he insisted that it, upon the Electoral votes of States, would have been so gross and dangerous an absurdity as the framers of the Constitution never would have been guilty of." 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Carbon or Vegetable-dish—prepare a solution of

and pepper, and lay small bits of butter upon

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and a small dark mark near the top center. The binding edge is visible on the left.

1993-1994

